

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>JOHN DOE,</b>	:	<b>CIVIL ACTION NO. 1:19-CV-2193</b>
	:	
<b>Plaintiff</b>	:	<b>(Judge Conner)</b>
	:	
<b>v.</b>	:	
	:	
<b>COMMONWEALTH OF PENNSYLVANIA, <i>et al.</i>,</b>	:	
	:	
<b>Defendants</b>	:	

**ORDER**

AND NOW, this 26th day of January, 2022, upon consideration of the motion (Doc. 73) to dismiss plaintiff John Doe’s second amended complaint (Doc. 60), filed by defendants the Pennsylvania Employees Benefit Trust Fund (“PEBTF”), its board of trustees, and its individual trustees (hereinafter, “PEBTF defendants”), and the parties’ respective briefs in support of and opposition to said motion, and for the reasons set forth in the accompanying memorandum, it is hereby

ORDERED that:

1. The PEBTF defendants’ motion (Doc. 73) to dismiss is GRANTED in part and DENIED in part as follows:
  - a. The motion (Doc. 73) is GRANTED as unopposed as to Counts X, XI, XII, XIII, and XIV.
  - b. The motion (Doc. 73) is GRANTED as to Counts III, IV, V, and VI.
  - c. The motion (Doc. 73) to dismiss PEBTF’s board of trustees as duplicative of PEBTF in Counts I, II, VII, VIII, and IX is GRANTED as unopposed.

- d. The motion (Doc. 73) is otherwise DENIED.
2. The Clerk of Court shall terminate PEBTF's board of trustees and PEBTF's individual trustees as defendants in the above-captioned action.
3. PEBTF shall respond to Doe's second amended complaint (Doc. 60) in accordance with the Federal Rules of Civil Procedure.

/S/ CHRISTOPHER C. CONNER  
Christopher C. Conner  
United States District Judge  
Middle District of Pennsylvania